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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

GUTMACHER ENTERPRISES, LP, a New York
Limited Partnership,

THE ESTATE OF BARBARA GIRARD,

RICHARD WEINBERGER, in his capacities as
personal representative of the Estate of Barbara
Girard and co-trustee of the Barbara Girard
Testamentary, Trust FBO Nicole Girard,

Adv. Pro. No. 10-05091 (SMB)

SEYMOUR ZISES, in his capacities as personal representative of the Estate of Barbara Girard and co-trustee of the Barbara Girard Testamentary Trust FBO Nicole Girard,

THE ESTATE OF ROSE GUTMACHER,
GEORGE S. KAUFMAN, in his capacity as personal representative of the Estate of Rose Gutmacher,

THOMAS D. KEARNS, in his capacities as personal representative of the Estate of Rose Gutmacher and trustee for the Trust FBO Nicole Girard U/A/D/ 12/2/97,

THE TRUST FBO NICOLE GIRARD U/A/D
12/2/97,

THE BARBARA GIRARD TESTAMENTARY
TRUST FBO NICOLE GIRARD,

And

NICOLE GIRARD, individually and in her capacity as trustee for the Trust FBO Nicole Girard U/A/D/ 12/2/97,

Defendants.

NOTICE OF MEDIATOR SELECTION

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010 Protective Order (the “Order”)¹ [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”) [Dkt. No. 2], the

¹ All terms not defined herein shall be given the meaning ascribed to them in the Order.

Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, on February 27, 2015, the Trustee and Defendants filed with this Court the Notice of Mediation Referral [Dkt. No. 23], wherein the Trustee and Defendants (the “Parties”) jointly agreed to enter mediation prior to completion of discovery without further court order.

Through this Notice of Mediator Selection, and pursuant to the Avoidance Procedures and the Mediation Order, made applicable to the Parties upon the filing of the Notice of Mediation Referral, the Parties hereby mutually select from the Mediation Register Francis G. Conrad, to act as Mediator in this matter. The Parties further agree to contact Francis G. Conrad, as soon as practicable after this Notice of Mediator Selection is filed with the Court.

The Parties further agree that no person shall act as Mediator if that person, or that person’s law firm, currently represents a party with respect to the BLMIS proceeding, unless the Parties provide prior written consent that the person may act as Mediator.

Pursuant to the Avoidance Procedures, the Parties agree that this mediation will conclude within 120 days from the date that this Notice of Mediator Selection is filed, unless that deadline is extended by mutual consent of the Parties and the Mediator.

Dated: March 3, 2015

Respectfully submitted,

Of Counsel:

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/s/ Max Folkenflik

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